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Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them	)	PR Docket No. 92-235
and	)	
Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services	)	

To: The Commission

COMMENTS ON PETITIONS FOR RECONSIDERATION

INTEK Diversified Corp. ("INTEK"), by its counsel and pursuant to Section 1.429 of the Commission's Rules, hereby submits its Comments on the Petitions For Reconsideration of the *Second Report and Order*, FCC 97-61 (March 12, 1997) ("*Second R&O*") in the above-captioned proceeding. INTEK is the parent company of Securicor Radiocoms Ltd. ("Radiocoms") which has developed and deployed in the 220-222 MHz band the highly spectrally-efficient Linear Modulation ("LM") equipment that operates in 5 kHz channels. Radiocoms has participated extensively in this proceeding looking toward deployment of its LM products in the Private Land Mobile Radio bands below 512 MHz that are the subject of the FCC's refarming initiative.

In response to the *Second R&O*, a number of parties have petitioned the Commission to reconsider its Rules which permit licensees to implement centralized trunking systems in the PLMR bands below 512 MHz upon obtaining the concurrence of all licensees

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whose service areas overlap a circle with a radius of 113 km from the trunked system's base station and whose operating frequency falls within a certain range of the trunked system's frequency. INTEK concurs with those parties that suggest that the requirement for 100% concurrence from the affected licensees will as a practical matter deter, if not defeat, the implementation of trunking in the PLMR bands below 512 MHz.[1] INTEK, accordingly, urges that the Commission relax the concurrence requirements to less than 100%.

In its Petition (at 3-4) , Ericsson further suggests that the trunking Rules are biased in favor of 6.25 kHz technologies because they do not require that concurrence be obtained from "adjacent" licensees for implementation of 6.25 kHz (or less) trunked systems. Ericsson, accordingly, proposes either that trunking be allowed only on the "original" 25 kHz channels and those channels offset by 12.5 kHz from these channels (and not on the new 6.25 kHz offset channels) or that a licensee proposing to implement trunking on a 6.25 kHz channel be required to obtain concurrence from all licensees 7.5 kHz removed from the operating frequency of the 6.25 kHz station.

INTEK opposes Ericsson's reconsideration requests in this respect. The FCC's Rules requiring concurrence in fact are proportionately scaled to the proposed spectrum occupancy of the trunking licensee and are intended simply to provide interference protection between spectrum neighbors. To this end, 25 kHz trunking licensees are required to obtain concurrence from licensees 15 kHz or less removed, 12.5 kHz trunking licensees are required to

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[1]Petition For Reconsideration of Ericcson, Inc. ("Ericsson"), PR Docket 92-235 (May 16, 1997) at 2; Petition For Reconsideration of Small Business in Telecommunications ("SBT"), PR Docket 92-235 (May 16, 1997) at 18-20.

obtain concurrence from licensees 7.5 kHz or less removed and 6.25 kHz trunking licensees are required to obtain concurrence from licensees 3.75 kHz or less removed. This is reasonably and proportionately scaled and fairly allows each licensee to define its set of required concurrences, Contrary to Ericsson's suggestion, the Rules in this respect do not categorize these licensees as either co-channel or adjacent channel licensees. Indeed, because of the licensing flexibility accorded the frequency coordinators and end users by the refarming rules, in INTEK's view, the FCC has appropriately begun to define spectrum neighbors in terms other than as defined co-channel and adjacent channels. Overlapping spectrum uses varying from the defined channel centers adopted for both the VHF and UHF bands are specifically permitted and accommodated by the refarming Rules. Accordingly, Ericsson incorrectly suggests that the concurrence rules adopted by the Commission will never require a 6.25 kHz trunking licensee to obtain concurrence from other than co-channel users.

Moreover, Ericsson's suggested remedies to correct this perceived "bias" in favor of narrowband trunking systems in the PLMR bands is based not on technical grounds regarding the need for interference protection between systems but rather simply on a desire to negate a competitive efficiency advantage of narrowband systems over wideband equivalent systems. Radiocoms has consistently stated its view in this Docket that the refarming rules should level the playing field between manufacturers but not the technologies playing on the field. Ericsson's request here would level the technologies and not the playing field. Indeed, the remedies proposed are punitive in nature designed to establish the level of efficiency available from advanced technologies as that available from wideband equivalent technologies. The Commission, however, should avoid any such attempts to define a de facto technical standard for

trunikng in the refarmed bands or establish a lowest common denominator technology. This would deter innovation, delay the development and deployment of even more spectrally-efficient solutions, and result in a less efficient use of the PLMR bands, all of which are clearly contrary to the public interest.

For these reasons, INTEK urges that the Commission adopt Rules on reconsideration in this proceeding consistent with the views expressed herein.

Respectfully submitted,

INTEK DIVERSIFIED CORP.

By: _____

Robert B. Kelly
KELLY & POVICH, P.C.
1101 30th Street, N.W.
Suite 300
Washington, D.C. 20007
(202) 342-0460

Its Counsel

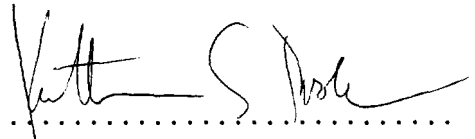
June 19, 1997

Certificate of Service

I, Katherine S. Poole, an attorney in the law firm of KELLY & POVICH, P.C., certify that on this 19th day of June, 1997, a true and complete copy of the foregoing Comments of INTEK Diversified Corp. on Petitions for Reconsideration of the *Second Report & Order* was sent first class mail, postage prepaid, to:

Dennis C. Brown
Attorney for Small Business in Telecommunications
Brown and Schwaninger
1835 K Street, N.W., Suite 650
Washington, DC 20006

Lars-Goran Larsson
Ericsson Inc.
1634 Eye Street, N.W.
Washington, DC 20006-4083



Katherine S. Poole